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December 1, 2023

SUBMITTED VIA ECF

Hon. Analisa Torres
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: United States v. Kwok et al., Case No. 1:23-cr-00118 (AT)

Dear Judge Torres:

We write in response to the letter filed earlier today by the government concerning the briefing schedule for Mr. Kwok's bail motion and his motion to compel discovery, including discovery related to Operation Fox Hunt. Mr. Kwok does not object to the government's proposed schedule for completing briefing on his bail motion, submits that oral argument would be useful to the Court's consideration of the motion, and respectfully submits that the Court schedule such argument for December 19, 2023, if the Court is available.

With respect to the government's proposed briefing schedule with respect to Mr. Kwok's discovery motion, Mr. Kwok objects to further delaying consideration of a motion that concerns critical evidence which goes to the heart of the case. The government's June 2023 *Brady* disclosures placed Mr. Kwok at the center of Operation Fox Hunt, and Mr. Kwok requested Fox Hunt related discovery as early as September 2023. Now, even though the government has made this disclosure and produced material similar to this *Brady* evidence, it has declined to undertake a search for all responsive material. Mr. Kwok is always willing to be reasonable with respect to scheduling accommodations, but given the significance of this evidence and the fact that it may implicate classified information, Mr. Kwok believes that the motion should be briefed on the schedule originally set by the Court.

The government's only basis to seek the extension is due to a "confluence of motions." While the government cites to several motions that have been filed in this proceeding, the only motions besides the discovery motion that actually require briefing as of now are the bail motion, which the government intends to respond to next week, and its CIPA Section 4 brief, the briefing schedule for which was set in June of this year. While Mr. Kwok is always willing to agree to



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reasonable scheduling accommodations, it is unclear why this “confluence” would require delaying briefing on the discovery motion further.

Finally, the government’s proposed schedule would have Mr. Kwok’s reply due December 29, 2023, the week between Christmas and New Year’s Day, during which the undersigned is traveling. Accordingly, to the extent the Court is inclined to grant the government’s request, Mr. Kwok respectfully requests that he be allowed to reply by January 3, 2024.

Respectfully submitted,

A large, stylized handwritten signature in blue ink, appearing to read "SK" followed by a flourish.

Sidhardha Kamaraju
E. Scott Schirick
Matthew S. Barkan
Daniel J. Pohlman
John M. Kilgard
Clare P. Tilton